

WANGER JONES HELSLEY PC

265 E. River Park Circle, Suite 310

Fresno, California 93720

Telephone: (559) 233-4800

Facsimile: (559) 233-9330

Christopher A. Lisieski #321862

Attorneys for: PLAINTIFFS SUSAN OTTELE and WILLIAM COLLIER, JR. on their own behalf
and on the behalf of the Estate of Adam J. Collier, decedent

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SUSAN OTTELE and WILLIAM COLLIER,
JR., on their own behalf and on the behalf of the
Estate of Adam J. Collier, decedent,

Plaintiffs,

v.

OSCAR MARTINEZ and AARON HODGES,
and DOES 1–10, inclusive,

Defendants.

Case No. 1:22-cv-00187 JLT CDB

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DEADLINES IN
SCHEDULING ORDER**

Pursuant to Local Rule 143, the parties hereby jointly stipulate and request that the current deadlines imposed by the Scheduling Order in this case (Doc. No. 20) be extended by ninety (90) days. Under Federal Rule of Civil Procedure 16(b)(4), the schedule may be modified for good cause with the Court's consent. Good cause exists here. This request is necessitated by delays in finalizing the proposed Protective Order which was entered by the Court on December 19, 2022, by the time required for the parties to complete written discovery, and by the trial and litigation work load and schedules of the parties' counsel. (*See* Lisieski Dec., at ¶ 2-4; Mathison Dec., at ¶ 2-5.) As directed by the Court during the December 21, 2022 mid-discovery conference, the parties' counsel have conferred about scheduling depositions in the case. They have agreed that Plaintiffs' deposition will be conducted on January 26, 2023. The parties' counsel have further conferred about the anticipated discovery remaining in the case and the amount of time it will likely take to complete. (Mathison Dec., at ¶ 6; Lisieski Dec., at ¶ 6.)

As such, the parties jointly request a ninety (90) day extension of the scheduled dates, as set forth below:

Current Deadlines:

Discovery

Initial Disclosures:	Completed
Non-Expert Discovery:	2/7/2023
Expert Disclosures	2/21/2023
Expert Discovery:	4/21/2023

Non-Dispositive Motions

Filing:	4/28/2023
Hearing:	6/2/2023

Dispositive Motions

Filing:	6/20/2023
Hearing:	8/1/2023

Pre-Trial Conference

9/29/2023 at 1:30 p.m. in Courtroom 4

Trial

12/5/2023 at 8:30 a.m. in Courtroom 4
Jury trial: 4-5 days

Proposed Deadlines:

Discovery

Initial Disclosures:	Completed
Non-Expert Discovery:	5/8/2023
Expert Disclosures	5/22/2023
Rebuttal Expert Disclosures	6/21/2023
Expert Discovery:	7/20/2023

Non-Dispositive Motions

Filing:	7/28/2023
Hearing:	8/31/2023

Dispositive Motions

Filing:	9/18/2023
Hearing:	10/30/2023

Pre-Trial Conference

1/5/2024 at 1:30 p.m. in Courtroom 4, or as soon thereafter as the Court's schedule allows.

Trial

3/5/2024 at 8:30 a.m. in Courtroom 4, or as soon thereafter as the Court's schedule allows.
Jury trial: 4-5 days

The parties requested a change in the date of the mid-discovery conference, due to unanticipated scheduling conflicts, but have not otherwise requested any other changes or amendments to the deadlines in this case. This extension is requested based on the parties' good faith estimate and agreement of the discovery remaining in the case, and not for improper or unnecessary purposes or to cause delay. (*See* Lisieski Dec., ¶ 5; Mathison Dec., ¶ 6.)

Additionally, as discussed during the mid-discovery conference, the parties through their counsel have met-and-conferred on the possibility of settlement at this point in the case. The parties do not believe that settlement is possible at this point of the case, and do not believe that a formal settlement conference will be helpful until after there has been a ruling on dispositive motions. Should the case proceed beyond the dispositive motions stage, the parties believe that settlement negotiations should be undertaken, and therefore request that the Court schedule a settlement conference before the assigned

Magistrate Judge in this case or before another Eastern District Magistrate Judge, pursuant to Local Rule 270. Based on the proposed schedule under the present stipulation, the parties request the Court schedule this settlement conference in January 2024, or on another date that the Court estimates will be after the Magistrate Judge has issued Findings and Recommendations on the summary judgment motion anticipated to be filed by Defendants. (See Lisieski Dec., ¶ 6; Mathison Dec., ¶ 6.)

IT IS SO STIPULATED.

Dated: December 27, 2022.

WANGER JONES HELSLEY PC

By: /s/ Christopher A. Lisieski
Christopher A. Lisieski
Attorney for Plaintiffs

Dated: December 27, 2022.

ATTORNEY GENERAL OF CALIFORNIA

By: /s/ James Mathison (with permission on 12/27/2022)

James Mathison
Deputy Attorney General
Attorney for Defendants A. Hodges and O. Martinez

~~PROPOSED~~ ORDER

Having considered the stipulation and declarations of the parties, and good cause appearing, the Court adopts the stipulation of the Parties as modified below. The Scheduling Order entered on July 29, 2022 (Doc. 20) is amended as follows:

Discovery

Initial Disclosures:	Completed
Non-Expert Discovery:	5/8/2023
Expert Disclosures	5/22/2023
Rebuttal Expert Disclosures	6/21/2023
Expert Discovery:	7/20/2023

Non-Dispositive Motions

Filing:	7/28/2023
Hearing:	8/31/2023

Dispositive Motions

Filing:	9/18/2023
Hearing:	10/30/2023

Pre-Trial Conference

1/8/2024 at 1:30 p.m. in Courtroom 4

Trial

3/5/2024 at 8:30 a.m. in Courtroom 4

Jury trial: 4-5 days

IT IS SO ORDERED.

Dated: **December 28, 2022**


UNITED STATES MAGISTRATE JUDGE